

**West Mojave Plan
Task Group 1
Green Tree Inn, Victorville
November 1, 2000**

Attendees

Task Group: Marge Balfour, Ray Bransfield, Paul Condon, Mike Connor, Mike DeKeyrel, Clarence Everly, Jeri Ferguson, Sharon Girod, Art Gleason, Al Guzman, Mark Hagan, George Hansen, Jeanette Hayhurst, Shirley Hibbets, Charles Hill, Manuel Join, Becky Jones, John Kittell, Paul Kober, Gene Kulesza, Steven Morgan, Lisa Northrop, Lorelei Oviatt, Doug Parham, Mickey Quillman, Bob Parker, Bob Rudnick, Pat Smith, Bill Standard, Robert Strub, Donna Thomas, Larry Trowsdale, Ingrid VanDerHope, Barbara Veale, Rob Waiwood (after 1:00), Ed Waldheim, George Walker, Les Weeks, Martin Wilkins, Ric Williams, Robert Williams.

West Mojave Team Staff: Bill Haigh, Larry LaPre, Ed LaRue, Valery Pilmer, Nanette Pratini, Chuck Bell (After 1:00 PM)

Introduction

Bill Haigh opened the meeting at 9:45 AM. He recommended that we take the work accomplished by the and subcommittees to date and have the West Mojave Team compile a revised strategy for the tortoise. Those issues where consensus has not been reached will help form the kernels of alternatives for the NEPA/CEQA process. **The task group later agreed that a revised strategy should be prepared.**

Meeting Notes: No changes were requested to the notes for the Task Group 1 meeting held on October 4, 2000.

Fort Irwin Update: An update was provided on the proposed Fort Irwin expansion. The Department of the Interior and the Department of the Army have developed an expansion boundary which excludes much significant desert tortoise habitat from the proposed expansion area. Both Senator Diane Feinstein and Representative Jerry Lewis have endorsed this new proposal. Haigh referenced a copy of a Department of the Interior press release dated October 27, 2000 which was provided to attendees. The available mapping is not precise at this point, and more will be known in a couple of weeks. The group will be kept updated on this issue. Bob Strub noted that given the large amount of land in military and federal ownership, east/west traffic in California is effectively blocked.

Survey Subcommittee: Proposed Exclusion Zones

Ed La Rue discussed his preliminary maps of proposed exclusion zones and how they were

developed. Exclusion zones are intended to include “biologically impaired” areas where clearance surveys would not be required. Available aerials and tortoise surveys were used to delineate these areas. The maps developed through this exercise will be reviewed and refined by the cities and counties. Changes will be based on biological evidence, such as tortoise surveys. Ed will have maps produced at a larger scale and sent to the local jurisdictions to facilitate these discussions.

The following comments were made during this discussion:

- Jurisdictions should have a chance to review and comment on the mapping.
- Maps should be provided to the cities/counties for review prior to meeting with West Mojave Team staff to refine.
- The BTA and DWMA boundaries should be delineated on the maps to show the relationship between Exclusion Zones and these areas.

Recreation Subcommittee Report and Discussion

Subcommittee members included Jeri Ferguson (CA4WD), Ileene Anderson (CNPS) and Harold Johnson (BLM). The subcommittee also met with Ed Waldheim (CORVA), Al Guzman (D-37 AMA), Bob Sackett (d-37 Desert Vipers) and Paul Kober (CORVA).

Reference handout “Recreation Subcommittee Recommendations for October 4, 2000.” The following discussion and changes to the subcommittee recommendations occurred. Page numbers refer to the September 1999 Draft Evaluation Report; text numbers refer to the handout. The subcommittee’s proposed text is in italics; changes made by the task group are shown in strike-out and underline.

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4. *Dogs off leash that are accompanied by and under the control of the owner could be allowed in all areas.*

Accepted with modification. Task group members expressed concern that uncontrolled dogs could impact livestock and wildlife. The added language addresses this concern.

5. *Hunting should be allowed and regulated by current legislation.*

Accepted as written. Becky Jones (CDFG) indicated that the Department of Fish and Game has no objections to hunting in the DWMAs. Bob Rudnick was concerned that hunting could affect livestock. Others indicated that shooting of livestock is vandalism and is already an illegal activity.

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- 1 *On public lands administered by the BLM, camping should be allowed in previously existing disturbed camping areas adjacent to vehicle routes designated as “open”. Stopping and parking is allowed 50 feet from center line of the route.*

Ray Bransfield expressed concern that the proposed camping language might be difficult to enforce (What constitutes disturbed areas? Crushed vegetation? Okay to camp on non-vegetated washes?), and suggested further discussions with BLM rangers. He supports the 50 foot requirement for stopping and parking. Lorelei Oviatt suggested that a baseline of camping areas would need to be established through aeriels and mapping. Mike Connor indicated that camping needs to be restricted in some areas. Ed Waldheim suggested that camping be based on the management plan for the area. This item was sent back to the subcommittee to consider suggestions and receive additional ranger input.

2. *Otherwise, no vehicles should be allowed to travel off of designated routes.*

Accepted as written.

3. *Limited speed travel on designated signed routes should be allowed.*

The Subcommittee recommended deleting this sentence since rules and regulations already exist on public land. Doug Parham asked what the speed limit is on public land. Jeri Ferguson will ask the BLM rangers what the speed limit is and how it is enforced, and bring the answer back to the Task group.

4. *Travel in washes should be allowed only in those washes that are designated ~~and signed~~ as “open” and signed as appropriate.*

Accepted with modification. The Subcommittee recommended removing language referencing signs. Considerable discussion occurred about the merits of signing versus not signing routes. Mike Connor stated that washes are sensitive areas for wildlife and signing should be considered since washes cannot be closed to travel as easily as other routes. Mike DeKeyrel indicated that “open” signs generally work better than “closed” signs. Jeri Ferguson felt reference to signs should be removed as it is not feasible to sign everything. The group agreed to reference signs and add “as appropriate”.

5. *General shooting, other than hunting, should not be allowed in DWMA on public land.*

Accepted with modification. Bob Strub indicated concern about further restrictions on shooting in the desert. Becky Jones stated that tortoises are frequently a target for people using the desert for shooting practice. Lorelei Oviatt suggested adding language clarifying that this restriction applies to public land only.

6. *Minimum impact recreation (~~ie: e.g.~~ hiking ,birdwatching, equestrian uses, photography) should be allowed within the DWMA.*

Accepted with modification. Jeri Ferguson indicated that the Subcommittee

recommended deleting horseback riding from the list of examples since it has some impact on the land. Jeanette Hayhurst stated that horseback riders should be treated the same as OHV riders and allowed to use open routes within the DWMAs. Some felt it unnecessary to list uses, while others felt it would be helpful to have a list. Jeanette Hayhurst and Mike Connor suggested using “e.g.” rather than “i.e.” as there will be other examples. The listing represents the “spirit of the law”. [Note: On May 14, 2001, Task Group 1 retroactively amended these meeting notes and restored “equestrian uses” to the list of examples of minimum impact recreation.]

7. *No off-highway vehicle speed events should be allowed in DWMAs.*

The subcommittee originally recommended deleting the words “off-highway”. No consensus was reached on this item, and it was referred back to the subcommittee.

8. *Dual sport events, however, could be allowed seasonally. Dual sport events should be allowed from September through March while tortoises are hibernating.*

Ed LaRue suggested reviewing the Biological Opinion (BO) issued for events to ensure consistency. Mike Connor wants to see a “no organized event” alternative in the plan. He also expressed concern with the BO since it deals only with animals, not habitat. Ray Bransfield responded and indicated that no tortoise has been killed during a dual-sporting event.

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The subcommittee suggested moving this section to the Adaptive Management section as most of it has been done (i.e. signs along the edge of open areas), or is no longer a problem. Ed LaRue questioned whether everything necessary had been accomplished. He cited problems between the Johnson Valley Open Area and the Ord Mountains, particularly the Cinnamon Hills, where a proliferation of routes has occurred. Fencing along Camp Rock Road would help to minimize the conflict. The subcommittee will check this issue again with Harold Johnson (BLM) and come back with any necessary changes.

The following items were referred by the subcommittee to Task Group 1 for further discussion:

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1. The Task group agreed with the subcommittee recommendation to refer discussion on the use of regulators (speed bumps, signs) to the subcommittee working on fencing.
- 2&3. Barstow to Vegas Race and Johnson Valley to Parker Race

Jeri Ferguson indicated that the subcommittee reviewed the NEMO Plan alternatives and Desert Vipers proposal. Ed Waldheim indicated that his group is looking to map out a

specific route for the Barstow to Vegas and Johnson Valley to Parker races that avoid areas of real concern. His group does not care where the route is placed, just that there is one. He asked the task group for assistance in identifying a route. Al Guzman has mapped out a route for the Johnson Valley to Parker Race through the NECO Plan. It was pointed out that the West Mojave Plan will need to be consistent with the NECO and NEMO plans since the races span more than one planning area. Bill Haigh indicated that a range of alternatives will have to be reviewed; only then will a decision will be made. He asked task group members to provide their input on this issue to Jeri Ferguson. Jeanette Hayhurst indicated that there seemed to be a willingness to consider alternatives, but that the details of those should be worked out by the OHV community. This item will be subject to further discussion.

The task group broke for lunch at 11:40 AM. Meeting resumed at 1:15 PM.

Minerals Subcommittee Report and Discussion

Subcommittee members included Gene Kulesza (TXI Riverside), Ray Bransfield (USFWS), Mike Rauschkolf (US Borax), Bob Harick (Rand), Rob Waiwood (BLM), and Ken Schulte (BLM).

Bill Haigh referred the group to a handout on existing disturbance in the DWMA's. Total existing disturbance is 1.2%. The 1% disturbance cap currently proposed by the plan would allow about as much disturbance over the 30-year term of the plan as currently exists in the DWMA's.

Gene Kulesza gave a presentation on the "no net loss" concept proposed as an alternative to the 1% cap in the DWMA's. The proposal involves compensating one acre of disturbance in the DWMA by purchasing and setting aside two acres, and in addition enhancing habitat on one additional acre or the lineal equivalent of one acre. The following pros and cons of the proposal were discussed:

- Mike Connor indicated that while it is great to tie restoration to acquisition, this alone will not prevent habitat loss. Because it lacks a ground disturbance ceiling, the proposal could result in too much DWMA habitat being lost. A ceiling on DWMA development is the only way to ensure that we are conserving the acreage called for by the Recovery Plan.
- Ray Bransfield (FWS) stated he was the one who originally suggested a cap. He is concerned, however, about how the Fish and Wildlife Service would deal with a request to exceed the cap. If the cap was reached, would even a very small project receive an automatic jeopardy opinion? He feels the proposal adds some flexibility and addresses this concern. He added that it is highly unlikely that 1% disturbance in the DWMA would occur during the life of the plan.
- Becky Jones explained that the Department of Fish and Game is currently receiving habitat enhancement funds when mining occurs on private land. She indicated that for land to be considered "restored", it would need to reflect the condition of surrounding undisturbed land. Full restoration could take 20 to 50 years. She indicated that CDFG has not yet

- bought off on the subcommittee's proposal and continues to see a need for a cap.
- Mark Hagan expressed concern that under the proposal it is possible for as much as 25% of the DWMA to be disturbed.
- Rob Waiwood (BLM) provided mining data to the group and discussed the region's mineral potential. There are currently no major gold mines in the West Mojave. Although there are areas with mineral potential, he doesn't predict any major gold mine (pit) in the area during the life of the plan. He estimated that there would be a maximum of about 500 acres per year of mining disturbance throughout the Mojave Desert.
- Gene Kulesza indicated that the mining industry is concerned about tying resources up to the point where they don't have flexibility to mine in the future.

The following suggestions were made to resolve this issue:

- Add land to the DWMA as development occurs to offset the loss of conservation area. (Note: Ed LaRue commented that there is very little suitable habitat available outside of the DWMA's.)
- Include an impact fee in addition to the 3:1 compensation to further discourage development within the DWMA.
- Add language to the plan which specifically allows for amendments in the event the 1% cap is exceeded and strategic resources are needed.
- Allow credits for land that is restored. Credits could be "partial credits" (e.g. 1/4 credit for each acre restored) to recognize that full restoration can take 30 or more years.
- Provide for a formal review of the plan when the 1% cap is reached or in 10 years, whichever occurs first. The purpose of the review would be to evaluate the status of species recovery and determine whether any changes should be made to the cap or other components of the plan.
- Assure that land acquired for conservation is retained for that purpose. Consider ownership by entities other than the BLM.
- Establish a time frame to trigger evaluation of the effectiveness of the plan.

Bill Haigh recommended that the Mineral Subcommittee take the suggestions into consideration and develop a revised proposal. He suggested adding individuals to the committee. Lorelei Oviatt indicated that she would write-up her suggestion that the plan be reevaluated after 10 years or 1% disturbance and provide it to the subcommittee. Larry Trowsdale (IMC Chemicals), Ray Bransfield and Mike Connor or Ilene Anderson were invited to participate on the subcommittee. Gene Kulesza indicated that he will be unable to attend the December 1st Task Group 1 meeting. He would like to discuss the issues with the mining community before getting together with the subcommittee again. The subcommittee will present revised recommendation after the December 1 meeting.

Assignments and Schedule for Next Meeting

- Ed LaRue and the West Mojave Team will pull together what Task Group 1 has decided

to date and produce a revised tortoise strategy. This should be completed by the December 1st Task Group 1 meeting. The text will be posted on the West Mojave internet site.

- The December 1st Task Group 1 meeting will focus on the Mohave ground squirrel chapter.
- January 18, 2001 at 9:30 a.m. was set for a Task Group 1 meeting.
- A Supergroup meeting is scheduled for December 20, 2000.

Special Presentation: “Alternative Futures” Modeling

This presentation was rescheduled to the December 1st meeting.